



PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, March 2, 2023 | 6:00 PM

CITY COUNCIL CHAMBERS, CITY HALL
7351 ROSANNA STREET, GILROY, CA 95020

Chair: Manny Bhandal:
manny.bhandal@cityofgilroy.org

Vice Chair: Annedore Kushner:
annedore.kushner@cityofgilroy.org

Commissioners:

Stefanie Elle:
stefanie.elle@cityofgilroy.org
Joan Lewis:
joan.lewis@cityofgilroy.org

Adriana Leongardt:
adriana.leongardt@cityofgilroy.org
Kelly Ramirez
kelly.ramirez@cityofgilroy.org

Michelle Montez:
michelle.montez@cityofgilroy.org

Staff Liaison: Sharon Goei, Community Development Director | sharon.goei@cityofgilroy.org

Written comments can be submitted by email to planningdivision@cityofgilroy.org Please note that written comments will not be read out loud, but will be part of the written record.

Comments by the public will be taken on any agenda item before action is taken by the Planning Commission. Persons speaking on any matter are asked to state their name and address for the record. Public testimony is subject to reasonable regulations, including but not limited to time restrictions on particular issues and for each individual speaker. A minimum of 12 copies of materials should be provided to the Clerk for distribution to the Commission and Staff. Public comments are limited to no more than three-minutes, at the Chair's discretion.

Comments on any agenda item may be emailed to the Planning Division at planningdivision@cityofgilroy.org or mailed to the City of Gilroy, Community Development Department at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the Planning Division by 1:00 pm on the day of a Planning Commission meeting will be distributed to the Planning Commissioners prior to or at the meeting and are available for public inspection at the Planning Division counter at City Hall, 7351 Rosanna Street. Any correspondence received will be incorporated into the meeting record. Items received after the 1:00 pm deadline will be provided to the Planning Commission as soon as practicable.

In compliance with the American Disabilities Act (ADA), the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (408) 846-0491. A sound enhancement system is available in the City Council Chambers.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

Persons who wish to speak on matters set for Public Hearing will be heard when the presiding officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the hearing is closed and brought to the Planning Commission level for discussion and action. There is no further comment permitted from the audience unless requested by the Planning Commission.

A Closed Session may be called during this meeting pursuant to Government Code Section 54956.9(b)(1) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of Administration at City Hall, 7351 Rosanna Street during normal business hours. These materials are also available with the agenda packet on the City website at www.cityofgilroy.org

KNOW YOUR RIGHTS UNDER THE GILROY OPEN GOVERNMENT ORDINANCE.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE, TO RECEIVE A FREE COPY OF THE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION STAFF AT (408) 846-0204 or by email at cityclerk@cityofgilroy.org.

1. **OPENING**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT ON POSTING THE AGENDA AND ROLL CALL**
4. **PUBLIC COMMENTS**

(Three-minute time limit). This portion of the meeting is reserved for persons desiring to address the Planning Commission on matters not on the agenda. The law does not permit the Planning Commission action or extended discussion of any item not on the agenda except under special circumstances. Comments on any agenda item may be emailed to the Planning Division at planningdivision@cityofgilroy.org or mailed to Community Development Department at City Hall, 7351 Rosanna Street, Gilroy, CA 95020. Comments received by the Planning Division by 1:00pm on the day of a Planning Commission meeting will be distributed to the Planning Commission prior to or at the meeting and available for public inspection with the agenda packet located in the lobby of Planning Division at City Hall, 7351 Rosanna Street prior to the meeting. Any correspondences received will be incorporated into the meeting record. Items received after 1:00pm deadline will be provided to the Planning Commission as

soon as practicable. All statements that require a response will be referred to staff for reply in writing.

PUBLIC HEARINGS FOR RELATED PROJECT APPLICATIONS WILL BE HEARD CONCURRENTLY AND ACTION WILL BE TAKEN INDIVIDUALLY. COMPANION PROJECTS UNDER NEW BUSINESS WILL BE TAKEN UP FOR ACTION PRIOR TO, OR IMMEDIATELY FOLLOWING THE RELATED PUBLIC HEARING. THIS REQUIRES DEVIATION IN THE ORDER OF BUSINESS AS NOTED WITHIN THE AGENDA.

5. **CONSENT AGENDA**

5.1. February 2, 2023 Planning Commission Meeting Minutes

6. **PUBLIC HEARINGS**

No items.

7. **NEW BUSINESS**

7.1. **Update to Planning Commission Rules and Regulations/Bylaws Regarding Attendance**

1. Staff Report: Sharon Goei, Community Development Director

2. Possible Action:

Staff recommends that the Commission amend the Planning Commission Rules and Regulations/Bylaws regarding attendance as required by City Council Resolution No. 2022-58.

7.2. **FY 2023-24 and FY 2024-25 Planning Commission Workplan, Training, and Budget**

1. Staff Report: Sharon Goei, Community Development Director

2. Possible Action:

Staff recommends that the Planning Commission commence efforts to prepare its Fiscal Year 2023-24 and Fiscal Year 2024-25 Planning Commission Workplan, including training and budget requests.

7.3. **Commission Input on the Update of the 2019 Board, Commission & Committee Member Handbook**

8. **INFORMATIONAL ITEMS**

8.1. Planning Division Staff Approvals

9. **PLANNING DIVISION REPORT**

10. **ASSISTANT CITY ATTORNEY REPORT**

11. **ADJOURNMENT** To the Next Meeting of April 6, 2023 at 6:00 PM

**City of Gilroy
Planning Commission
Regular Meeting Minutes
Thursday, February 2, 2023 | 6:00 PM**

1. OPENING

Tonight's meeting was called to order by Chair Bhandal at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Bhandal led the pledge of allegiance.

3. REPORT ON POSTING THE AGENDA AND ROLL CALL

The agenda was posted on Friday, January 27, 2023 at 5:27 p.m.

Attendee Name	Title	Status
Manny Bhandal	Chair	Present
Annedore Kushner	Vice Chair	Present
Stefanie Elle	Planning Commissioner	Present
Adriana Leongardt	Planning Commissioner	Present
Joan Lewis	Planning Commissioner	Present
Michelle Montez	Planning Commissioner	Present
Kelly Ramirez	Planning Commissioner	Present

4. PUBLIC COMMENTS

Chair Bhandal opened public comment for items not on the agenda.

There being no speakers, Chair Bhandal closed public comment for items not on the agenda.

5. CONSENT AGENDA

5.1. January 19, 2023 Planning Commission Meeting Minutes

Motion made by Chair Bhandal; seconded by Commissioner Lewis to approve the consent agenda.

RESULT: Pass

MOVER: Chair Bhandal

SECONDER: Commissioner Lewis

AYES: Commissioners Elle, Leongardt, Lewis, Montez, Ramirez, Vice Chair Kushner, and Chair Bhandal

6. PUBLIC HEARINGS

6.1. Electronic Billboard Ordinance and IS/MND (Z 18-04)

1. Staff Report:

Cindy McCormick, Customer Service Manager

2. Open Public Hearing

Chair Bhandal opened the item to public hearing.

Tsui Li with FirstCarbon Solutions, the environmental consultant for this project, provided additional information about the environmental aspect of the project to the Planning Commission.

Robert Weaver provided a public comment.

Connie Rogers provided a public comment.

Dr. Paul Lynam provided a public comment.

Michelle Nelson provided a public comment.

Danny Mitchell provided a public comment.

Jeff Orth provided a public comment.

John Miller provided a public comment.

Jason Heap provided a public comment.

Les Levitt provided a public comment.

Michele Campbell provided a public comment.

Mike Conrotto, the project applicant, provided additional information about the project to the Planning Commission and answered questions.

Sean Marciniak, the project applicant's Outfront Media representative, provided additional information about the project to the Planning Commission and answered questions.

Jeff McCuen, the project applicant's Outfront Media representative, provided additional information about the project to the Planning Commission and answered questions.

3. Close Public Hearing

There being no further speakers, Chair Bhandal closed the item to public hearing.

4. Disclosure of Ex-Parte Communication

None.

5. Possible Action:

Staff has analyzed the proposed project, and recommends that the Planning Commission:

a) Recommend that the City Council, based on its independent analysis, adopt the Mitigated Negative Declaration (MND) and find that: the MND was completed in compliance with the California Environmental Quality Act (CEQA); there is no substantial evidence that the project will have a significant effect on the environment; and the MND reflects the City's independent judgment and analysis; and

RESULT: Fail

MOVER: Chair Bhandal

SECONDER: Commissioner Lewis

AYES: Commissioners Lewis, Montez, and Chair Bhandal

NAYS: Commissioners Elle, Leongardt, Ramirez, and Vice Chair Kushner

The City Attorney advised the Commission that in light of the previous motion not to adopt the IS/MND, the only course of action open to the Commission was to deny the application.

6. Alternative Action:

b) Recommend that the City Council not adopt an Ordinance (Z 18-04) proposing changes to Section 30.37.30 (Prohibited Signs), Section 30.37.50 (Commercial and Industrial Districts), and Section 30.37.51 (Freeway Oriented Signs) and creating a new Zoning Ordinance Article LV (Electronic Billboards). This motion is to deny the application.

Members of the Commission then discussed their concerns with the project. The City Attorney and the maker of the motion clarified that the motion is a denial of the application. Chair Bhandal called for the vote.

RESULT: Pass

MOVER: Commissioner Ramirez

SECONDER: Vice Chair Kushner

AYES: Commissioners Elle, Leongardt, Ramirez, and Vice Chair Kushner

NAYS: Commissioners Lewis, Montez, and Chair Bhandal

6.2. **Architectural and Site Review Permit to amend the Plaza Allium sign program, located on property at the northeast corner of Tenth Street and Chestnut Street, Application No. AS 22-24**

1. Staff Report:

Kraig Tambornini, Senior Planner

2. Open Public Hearing

Chair Bhandal opened the item to public hearing.

3. Close Public Hearing

There being no speakers, Chair Bhandal closed the public hearing.

4. Disclosure of Ex-Parte Communication

None.

5. Possible Action:

Staff has analyzed the proposed project and recommends that the Planning Commission take the following actions:

a) Recommend that the City Council, based on its independent analysis, determine pursuant to CEQA Guidelines Section 15162, that the proposed amendment to the approved sign program is adequately assessed by the Mitigated Negative Declaration (MND) (SCH # 2021060521) adopted for the commercial development project on September 20, 2021, and that no subsequent environmental review shall be required.

RESULT: Pass

MOVER: Commissioner Ramirez

SECONDER: Commissioner Leongardt

AYES: Commissioners Elle, Leongardt, Lewis, Montez, Ramirez, Vice Chair Kushner, and Chair Bhandal

b) Adopt a resolution recommending that the City Council approve the proposed sign program amendment AS 22-24.

RESULT: Pass

MOVER: Chair Bhandal

SECONDER: Commissioner Leongardt

AYES: Commissioners Elle, Leongardt, Lewis, Montez, Ramirez, Vice Chair Kushner, and Chair Bhandal

7. NEW BUSINESS

None.

8. INFORMATIONAL ITEMS

8.1. 2023 Planning Commission Meeting Schedule

Chair Bhandal reminded the Planning Commission that they are set to meet every first Thursday of the month and reserve the third Thursday of the month for a special meeting in the event that one must be held.

8.2. Planning Division Staff Approvals

None.

9. PLANNING DIVISION REPORT

Community Development Director, Sharon Goei, informed the Commission of the upcoming League of California Cities Planning Commissioner 2023 Academy event that the commissioners will have an opportunity to attend.

10. ASSISTANT CITY ATTORNEY REPORT

None.

11. ADJOURNMENT To the Next Meeting of March 2, 2023 at 6:00 PM

Chair Bhandal adjourned the meeting at 8:11 p.m.

Ariana Fabian

Ariana Fabian, Planning Technician



City of Gilroy

Planning Commission

STAFF REPORT

Agenda Item Title:	Update to Planning Commission Rules and Regulations/Bylaws Regarding Attendance
Meeting Date:	March 2, 2023
From:	Sharon Goei, Community Development Director
Department:	Community Development
Submitted By:	Sharon Goei, Community Development Director

RECOMMENDATION

Staff recommends that the Commission amend the Planning Commission Rules and Regulations/Bylaws regarding attendance as required by City Council Resolution No. 2022-58.

BACKGROUND

At the August 1, 2022 City Council meeting, the City Council adopted Resolution No. 2022-58, which revised the attendance policy for all Boards, Commissions and Committees.

At the September 1, 2022 Planning Commission meeting, staff notified the Commission about the change. Staff is bringing the language change to ensure the Rules and Regulations/Bylaws reflect the new policy.

ANALYSIS

Staff recommends revising the section on attendance in the Planning Commission Rules and Regulations/Bylaws to read as follows:

18. ATTENDANCE: Commission members are expected to attend all meetings of the Commission and abide by the City of Gilroy Policy Governing Board, Commission and Committee Attendance.

~~ABSENCES: Any member of the Commission who knows he/she will not be able to attend a scheduled meeting shall notify the Planning Division staff liaison at the earliest possible opportunity and, in no~~

~~case, not less than 72 hours before the start of a regular meeting for an excused absence.~~

~~An emergency absence is an absence caused by a sudden emergency, including, but not limited to, the illness, hospitalization, or accident of the member, the member's parent, spouse or domestic partner, or dependent. Such absences shall be reported to the staff liaison as soon as practicable.~~

~~Each member shall be allowed two excused absences, and one emergency absence from regular meetings per calendar year.~~

~~Any absence from a regular meeting in excess of the two excused absences and one emergency absence in a calendar year shall be deemed unexcused. A member with an unexcused absence shall be removed from their seat.~~

Attachments:

1. 9/1/2022 Planning Commission Report, including attachment of City Council Resolution No. 2022-58
2. Planning Commission Rules and Regulations/Bylaws



Community Development Department

7351 Rosanna Street, Gilroy, California 95020-61197

Telephone: (408) 846-0451 Fax (408) 846-0429

<http://www.cityofgilroy.org>

DATE: September 1, 2022

TO: Planning Commission

FROM: Cindy McCormick, Customer Service Manager

SUBJECT: Attendance Policy for City Boards, Commissions and Committees

RECOMMENDATION:

Accept the Report

BACKGROUND

In 2018 the City Council adopted an attendance policy to institute standards for all Boards, Commissions and Committees, stemming from concerns about excessive absences and meeting cancellations of several of these groups. Since the creation of the policy, there have been several occasions in which staff needed clarification from the City Clerk and the City Attorney's Office.

NEW ATTENDANCE POLICY

On August 1, 2022, the Council adopted a revised attendance policy that provides further clarity and allows for absences based on percentage per calendar year and creates specific steps in reporting absences. This policy will be implemented uniformly for all Boards, Commissions and Committees of the City and will assist in maintaining a quorum at our meetings. Reference Attached Resolution.

The new policy language addresses the following:

- Resets absences every calendar year (January 1st through December 31st)
- Creates a percentage of missed absences for regular meetings instead of a set number to make exceptions for committees that do not meet monthly. Committees that meet monthly, such as the Planning Commission, would permit four (4) total absences before removal if all 12 scheduled meeting were held. Removal could occur after the fifth absence (42%).

- Removes the terms of excused, unexcused, and emergency absences and standardizes any types of absences from a regular meeting will be counted.
- Designates the Council to take action in an open meeting in order to remove a member of a board/commission/committee.

NEXT STEPS

Staff will return to the Planning Commission with an amendment to the Planning Commission bylaws to ensure the bylaws reflect these revised attendance standards.

Attachments:

1. Attendance Policy Resolution_No._2022-58

RESOLUTION 2022-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING A POLICY GOVERNING BOARD, COMMISSION AND COMMITTEE ATTENDANCE, AS PREVIOUSLY ADOPTED BY RESOLUTION NO. 2018-41

WHEREAS, the City's Boards, Commissions and Committees are established in order to provide advice and recommendations to the City Council and City Administrator and play an important role of providing broad representation of ideas into the processes of the City; and

WHEREAS, the City Council of the City of Gilroy wishes to establish attendance standards for these Boards, Commissions and Committees and to create a systematic procedure for reporting absences which applies to all members who are appointed by the City Council or City Administrator; and

WHEREAS, the City Council of the City of Gilroy adopted Resolution 2018-41 that approved a policy governing Board, Commission, and Committee attendance; and

WHEREAS, the City Council wish to amend the attendance policy for these Boards, Commissions, and Committees.

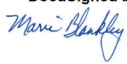
NOW, THEREFORE, BE IT RESOLVED THAT

1. Resolution No. 2018-41 be rescinded in its entirety.
2. The City Council of the City of Gilroy adopts the attached policy governing Board, Commission and Committee attendance, which is incorporated by this reference.

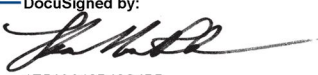
PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the 1st day of August, 2022 by the following roll call vote:

AYES:	COUNCIL MEMBERS:	BRACCO, HILTON, LEROE-MUÑOZ, MARQUES, TOVAR, BLANKLEY
NOES:	COUNCIL MEMBERS:	ARMENDARIZ
ABSTAIN:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE

APPROVED:

DocuSigned by:

9EE7CEC2F0D8427...
Marie Blankley, Mayor

ATTEST:

DocuSigned by:

1E54AA19D46G4BB...
Thai Nam Pham, City Clerk

City of Gilroy

Policy Governing Board, Commission and Committee Attendance

BACKGROUND

The City of Gilroy's Boards, Commissions and Committees are established in order to provide advice and recommendations to the City Council and City Administrator, and in the context of quasi-judicial Boards and Commissions such as the Planning Commission and Building Board of Appeals, to make independent decisions and take administrative actions. The Boards, Commissions and Committees of the City play an important role of providing broad representation of ideas into the processes of the City.

The City Charter provides that, in addition to those Boards and Commissions established by the City Charter, the Council may create by ordinance such advisory boards and commissions as in its judgment are required, and may grant them such powers and duties as are consistent with the provisions of the City Charter. In addition, the Charter allows the Council by motion or the City Administrator with Council consent to appoint temporary committees to render counsel and advice. The City Charter describes that if a member absents themselves from three consecutive regular meetings without permission of such board or commission expressed in its official minutes, their office shall become vacant.

PURPOSE AND APPLICATION

In addition to the Charter provision described above, this policy establishes attendance standards for these Boards, Commissions and Committees for regular meetings and creates a systematic procedure for reporting absences which applies to all Boards, Commissions and Committees of the City whose members are appointed by the City Council or City Administrator.

SECTIONS

- I. Definitions**
- II. Absences**
- III. Reporting Absences**
- IV. Removal**

SECTION I. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Body – City Boards, Commissions and Committees (including City-created task forces).

Member – An individual who has been appointed by the City Council or City Administrator to a Body.

Absence – The failure of a Member to attend a scheduled meeting.

Regular Meeting – A routinely scheduled meeting of the body.

Staff Liaison – The City staff member responsible for the coordination of meetings of the Body and facilitation of communications with the Members thereof.

SECTION II. ABSENCES

Each Member of a Body is expected to attend every Regular and special Meeting of the Body.

Any Member who is absent in a calendar year for more than 33% of the total Regular Meetings scheduled to be held in that calendar year will be subject to potential termination of membership from the Body, upon action of the City Council. Where applying a 33% calculation creates other than a whole number, normal number rounding to the nearest whole number will be used.

SECTION III. REPORTING ABSENCES

Absences are to be reported through the Staff Liaison to the Body. Such reporting shall be made by email, in person, or by phone, and shall be made no less than 72 hours before a meeting if possible.

SECTION IV. REMOVAL

If a Member exceeds the number of allowed absences described in this policy, the City Administrator shall report this fact to the City Council, which may decide in its discretion that such absences warrant a declaration that the Member's office shall become vacant.



CERTIFICATE OF THE CLERK

I, THAI NAM PHAM, City Clerk of the City of Gilroy, do hereby certify that the attached **Resolution No. 2022-58** is an original resolution, or true and correct copy of a city Resolution, duly adopted by the Council of the City of Gilroy at a Regular Meeting of said held on Council held **Monday, August 1, 2022**, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this **Monday, August 1, 2022**.

DocuSigned by:

1E54AA19B46C4BB...

Thai Nam Pham, CMC, CPMC
City Clerk of the City of Gilroy

DocuSigned by:

(Seal)



RULES AND REGULATIONS FOR THE PLANNING COMMISSION

1. There shall be at least one regular meeting per month to be held the first Thursday at 6:00 p.m. in the City Council Chambers. Meeting dates may be changed, altered or deleted at any regularly scheduled meeting as per California State law.
2. Additional meetings may be held at any time upon the call of the chair or by a majority of the voting members of the Commission, or upon written request of the City Council following at least twenty-four (24) hours notice to each member of the Commission
3. The Commission shall elect a chair and vice-chair at the meeting in January.
4. The duties and powers of the officers of the Planning Commission shall be:
 - A. Chair:
 - 1) Preside at all meetings of the Commission.
 - 2) Call special meetings of the Commission in accordance with these rules and regulations.
 - 3) Sign documents of the Commission.
 - 4) See that all actions of the Commission are properly taken.
 - B. Vice-Chair:
 - 1) During the absence, disability, or disqualification of the chair, the vice-chair shall exercise or perform all the duties and be subject to all the responsibilities of the chair.
5. Matters referred to the Commission by the City Council shall be placed on the calendar for consideration and action at their next regular meeting of the Commission after such reference, and after publication of adequate notice.
6. Four members of the Commission must be present to constitute a quorum.
7. The latest edition of Roberts Rules of Order shall be followed unless otherwise provided for in these rules.
8. The Chair may debate from the chair and may vote on a motion, subject only to such limitations of debate as are imposed upon members of the Commission by these Rules and Regulations.
9. The member making a motion shall have the privilege of closing the debate.
10. To take action on a motion, there must be four (4) yes votes or four (4) no votes of members of the Commission.

11. The Commission may consider a request for reconsideration only during the same meeting at which action was taken, and only at the request of a commissioner who voted with the majority in the original decision on the matter.
12. Deadline for filing for placement on the agenda for public hearings shall be twenty days prior to consideration by the Commission or such greater time as may be needed to provide adequate notice. At that time, all applications and supporting material will be presented to the Planning Division. Requests for continuance of matters scheduled for a particular agenda item shall be filed in writing with the Planning Division, and accompanied by the proper continuance fee, not later than eight (8) days prior to the meeting.
13. Order of consideration for public hearing items:
 - A. Staff recommendation – Commission will refer to written report.
 - B. Questions of staff. Chair opens public hearing, and may set reasonable time limits for presentations to the Commission. The Chair may limit the time to be spent on an item.
 - C. The applicant of the public hearing item may make a presentation and Commission may ask questions. Applicants shall be given a total of ten (10) minutes to present and up to five (5) minutes of rebuttal time after the public comments. Members of the public may make presentation and Commission may ask questions. At the Chair's discretion, the public may speak no more than one (1) to three (3) minutes, depending on the number of speakers. If there are ten (10) or fewer speaker requests on an agenda item, the limit for each speaker will be three (3) minutes. Speakers are not allowed to delegate their time to another speaker.
 - D. Chair closes public hearing.
 - E. Planning Commission disclosure of ex parte communications, discussion, motion, additional discussion and vote on the matter.
14. Remaining agenda items will not be taken up after 10:30 p.m. unless requested by a majority of the Commission.
15. Votes on resolutions shall be taken by roll call, and the chair shall vote last. Votes on other agenda items to be by electronic and/or voice vote, and the chair shall announce the outcome.
16. Except as provided for in section 11, no member of the Commission shall be allowed to explain his or her vote or discuss the question while the roll is being called, and no member shall be allowed to change his or her vote after the vote is announced by the chair.
17. Any member of the Commission who has a conflict of interest on any matter shall refrain from any manner of influencing or participating in the matter. The member shall

announce on the public record the nature of the conflict, leave the City Hall Chamber and refrain from discussing said item.

18. ATTENDANCE: Commission members are expected to attend all meetings of the Commission and abide by the City of Gilroy Policy Governing Board, Commission and Committee Attendance.

~~18. ABSENCES: Any member of the Commission who knows he/she will not be able to attend a scheduled meeting shall notify the Planning Division staff liaison at the earliest possible opportunity and, in no case, not less than 72 hours before the start of a regular meeting for an excused absence.~~

~~An emergency absence is an absence caused by a sudden emergency, including, but not limited to, the illness, hospitalization, or accident of the member, the member's parent, spouse or domestic partner, or dependent. Such absences shall be reported to the staff liaison as soon as practicable.~~

~~Each member shall be allowed two excused absences, and one emergency absence from regular meetings per calendar year.~~

~~Any absence from a regular meeting in excess of the two excused absences and one emergency absence in a calendar year shall be deemed unexcused. A member with an unexcused absence shall be removed from their seat.~~

19. The vice-chair shall succeed the chair if the chair vacates such office before his/her term is completed. The vice-chair shall serve the unexpired term of the vacated office. A new vice-chair shall be elected at the next regular meeting.

20. These rules and regulations may be amended at any meeting of the Commission by a majority of the membership of the Commission, providing that notice of said proposed amendment is given to each member in writing at least one week prior to said meeting.

GENERAL ORDER OF BUSINESS:

PLEDGE OF ALLEGIANCE

REPORT ON POSTING THE AGENDA AND ROLL CALL

PUBLIC COMMENTS (Three-minute time limit)

CONSENT AGENDA

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

NEW BUSINESS

INFORMATIONAL ITEMS

PRESENTATION BY MEMBERS OF THE PLANNING COMMISSION

REPORTS BY COMMISSION MEMBERS

PLANNING MANAGER REPORT

ASSISTANT CITY ATTORNEY REPORT

ADJOURNMENT



City of Gilroy

Planning Commission

STAFF REPORT

Agenda Item Title:	FY 2023-24 and FY 2024-25 Planning Commission Workplan, Training, and Budget
Meeting Date:	March 2, 2023
From:	Sharon Goei, Community Development Director
Department:	Community Development
Submitted By:	Sharon Goei, Community Development Director

RECOMMENDATION

Staff recommends that the Planning Commission commence efforts to prepare its Fiscal Year 2023-24 and Fiscal Year 2024-25 Planning Commission Workplan, including training and budget requests.

BACKGROUND

The City of Gilroy prepares its budgets on a two-year cycle. The City's fiscal year begins on July 1 of each year and ends June 30 of the following year. For example, the current fiscal year commenced July 1, 2022, and will end on June 30, 2023. The City is currently in its second and final budget year from the previous budget cycle. The next two-year budget cycle commences July 1, 2023 and will end June 30, 2025.

As part of the City's two-year budget cycle, the City boards and commissions are asked to present Council their workplans, and any associated budget requests. The Planning Commission workplan would identify achievable tasks of the Commission for the next two-year cycle. Staff recommends that this also include requests for training to better prepare to conduct the work of the Commission in keeping with the charge provided by the City Charter, Municipal Code, and City Council.

Tasks identified in the Workplan should follow SMART goals, meaning they should be: *Specific, Measurable, Achievable, Relevant, and Time-bound*. Staff will document the consensus of the Commission, which will be included for consideration in the City's budget process. Workplans and budget requests need to be completed by April 11, 2023.

ANALYSIS

The Planning Commission is asked to initiate discussion of a Fiscal Year 2023-24 and Fiscal Year 2024-25 Workplan. This item will be discussed and brought back for action at the April 6, 2023 meeting. A working draft of a Planning Commission Workplan is attached that identifies baseline tasks which the Commission is expected to complete in the upcoming budget cycle.

Staff requests that the Planning Commission, through consensus, approve its Workplan and include any training and budget requests for Fiscal Years 2023-24 and 2024-25. At the meeting, staff will provide examples of conferences and training opportunities and estimated costs for budgeting purposes.

Attachments:

1. Letter regarding budget development
2. Draft Workplan



City of Gilroy

7351 Rosanna Street
Gilroy, California
95020

City Administrator's Office
Telephone (408) 846-0250
<http://www.cityofgilroy.org>

February 10, 2023

To: Planning Commission

Re: City of Gilroy's Fiscal Year 2024 and 2025 Budget Development

The City has commenced its budget development process for the Fiscal Years 2024 and 2025. This process is a formal method through which the City Council establishes its priorities and goals for the upcoming fiscal years. The budget is then developed to align with the established priorities and goals. The City develops and adopts two one-year budgets, also known as biennial budget. Each fiscal year begins on July 1st and ends on June 30th.

I would like to invite you to participate in the process by providing input on what you would like the City Council to consider in this budget development. The input could include funding for professional training, conferences, grants, or projects the board would like the City Council to consider. All input received will be presented to the City Council. Based on the scope and request of funding, items may either be automatically included as part of the recommended budget or presented to Council for further consideration.

Request should include the following information:

- A description of the item you are requesting
- The justification of the request and how it may fit within any Commission Workplan
- An estimate of the cost for the request, including any revenue source (if applicable)

Request should be issued by the board collectively. An action to approve the recommendations is encouraged. Please prepare a memo to the Board's assigned Executive Sponsor. All requests should be submitted no later than April 11, 2023.

Respectfully,

Jimmy Forbis
City Administrator

WORKING DRAFT
City of Gilroy
Planning Commission
Work Plan FY 2023-24 and FY 2024-25

The Planning Commission is a 7-member body which acts as an advisory body to the City Council on matters of land use, and a decision-making body on certain land use entitlements.

Topic/Activity	Specific Tasks	Resources Required	Completion
Development Review	Review and take action on various planning and land use matters as required by municipal code, items referred by staff or Council, environmental documents, and land use entitlement applications including conditional use permits, variances, subdivisions, General Plan / Housing Element amendments, zoning ordinance and map amendments, specific plans, planned unit developments, historic resources, street naming when applicable, development related to bicyclists and pedestrians.	Staff, Commission	Ongoing throughout FY 2023-24 and FY 2024-25
Comprehensive Zoning Code and Map Update	Review staff recommended modifications to Zoning Ordinance in conformance with 2040 General Plan	Staff, City Attorney, Commission	Fall FY 2023-24
Capital Improvement Plan General Plan Consistency	Pursuant to Government Code 65401, the CIP shall be reviewed for conformance with the adopted General Plan	Staff, Commission	Spring FY 2023-24 and FY 2024-25
Commission Training	Provide the Commission with appropriate training to adequately perform their assigned duties; participate in off-site and/or virtual workshops/conferences	Staff, City Attorney, Budget	As needed throughout FY 2023-24 and FY 2024-25

BOARD, COMMISSION & COMMITTEE MEMBER HANDBOOK



2019

WELCOME AND ORIENTATION

Welcome and thank you for your willingness to serve as a member of a City of Gilroy Board, Commission or Committee. Advisory bodies play an important role in city governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, and facilitating community decision-making.

The City of Gilroy has a number of advisory bodies, each with distinct responsibilities. As a new advisory body member you will need to familiarize yourself with the documents governing your particular body including the City Charter and ordinances, bylaws, relevant element(s) of the General Plan, and current work plan goals, all available from your staff liaison. Reviewing these documents will help you get a sense of your responsibilities.

This Handbook is designed to serve as a reference of the basic procedures that apply to all City advisory bodies. Your staff liaison will facilitate a general orientation to familiarize you with your advisory body and go over current issues that have been under consideration.

Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by the City Council, by city staff, and by your community.

The vitality and strength of our community comes from the willingness of people like you who serve Gilroy.

Respectfully,

Gilroy City Council and City Staff

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THE STRUCTURE OF CITY GOVERNMENT

THE STRUCTURE OF CITY GOVERNMENT

A. FORM OF GOVERNMENT

Generally, there are two sources of authority by which California cities govern themselves. General Law cities adhere to the provisions and requirements established as general law by the state of California. Charter cities use the election process to adopt a charter or constitution, which sets forth the basis and authority for all future actions not in contradiction with pre-emptive state law. Gilroy is a Charter City as are approximately 20% of California cities.

B. CITY COUNCIL

The City Council is a 7 member body consisting of 6 Council Members elected at large in even numbered years to staggered four-year terms, and one directly elected Mayor serving a four-year term.

The City Council is the governing body of the City, vested with the regulatory and corporate power of the municipal corporation. The Council serves as the City's board of directors and legislative body. It sets goals and priorities and establishes policies. The Mayor is the presiding officer of the Council, and the official spokesperson and representative of the City.

It is not possible for each Council Member to know all pertinent facts of every given situation. For counsel and advice on the practical application of established policy, reliance is placed on the service of interested citizens appointed to the various advisory bodies. For technical and administrative assistance, both the Council and the advisory bodies refer to the City Administrator and the City Administrator's staff.

C. BOARDS, COMMISSIONS AND COMMITTEES

There are two types of advisory bodies. One is permanent with duties, responsibilities, and scope of authority is set forth in an enabling ordinance or the Charter. The other is ad hoc and typically created by action of the Council to serve a particular function during a specified time.

In both instances, the primary purpose of these entities is to gather information, weigh public input, and examine issues in depth to render a recommendation to the Council and the City Administrator. Certain advisory bodies also have decision-making authority in certain circumstances.

A brief description of the various advisory bodies and their primary functions is available from the City Clerk's office.

D. CITY OFFICERS, DEPARTMENTS, AND STAFF

The City Council appoints the City Administrator, City Clerk and City Attorney.

1. City Administrator

The City Administrator has complete responsibility and authority for the administration of the City's government. This individual is appointed by, and serves at the pleasure of the Council, and is the appointing authority for the City, selecting the department heads and other employees.

2. City Clerk

The position of the City Clerk is established by state law, and has responsibility for conducting all municipal elections, acting as legislative support to the City Council, and maintaining all official city records. This individual is appointed by, and serves at the pleasure of the City Council

3. City Attorney

The City Attorney is also appointed by, and serves at the pleasure of the City Council, and is retained to advise the Council and staff on questions of law, to represent the City in legal actions and other actions to which the City is a party, or as otherwise may be requested by the City Council.

4. Departments

The administration of Gilroy's government is provided by the City Administrator and the following departments: Administration, Community Development, Finance, Fire, Human Resources, Police, Public Works and Recreation. The heads of departments are appointed by the City Administrator with the consent of the Council, and serve at his/her pleasure. By virtue of their technical training and experience, they are assigned by the City Administrator to provide staff assistance as needed to the advisory body. However, the advisory bodies have no authority to supervise or direct the work of city staff. This is done only through the City Administrator.

BOARD, COMMITTEE & COMMISSION MEMBERSHIP

BOARD, COMMITTEE & COMMISSION MEMBERSHIP

A. APPOINTMENTS

In order to be eligible for appointment to an advisory body (with the exception of the Youth Commission), a person must be a qualified registered voter of the City, and may not hold any paid office or employment in the City government.

After application, interview and selection, board, committee and commission appointments are made by majority vote of the Council for specified terms, which are mostly four years in length. Each advisory body member must be administered the oath of office by the City Clerk prior to being seated. In some instances, disclosure of economic interests may be required by the city's Conflict of Interest Code under the regulations of the California Fair Political Practices Commission.

B. RESIGNATIONS AND REMOVALS

If a member is unable to continue serving because of health, business requirements or personal reasons, a letter or email of resignation should be submitted to the staff liaison.

The position of any member is automatically vacated when the member ceases to meet the qualifications for office, when Council accepts the member's resignation, or when the Council so declares.

C. ATTENDANCE

The City has attendance standards for all members of the City's advisory body's. A member shall be automatically removed from an advisory body under the following conditions:

1. A member has more than two excused absences and one emergency absence from regular meetings in a calendar year. (Resolution 2018-41)
2. A member absents themselves from three consecutive regular meetings without the approval of the body as expressed in its minutes.

D. VACANCIES

Vacancies are filled by appointment by the Council. Appointments made in the middle of a term are for the unexpired portion of that term.

E. ANNUAL RECOGNITION

Advisory body members are honored annually at the city volunteer appreciation event.

F. TERMS

No person shall serve more than two consecutive full terms on the same policy body. A member who has served two consecutive full terms shall not be eligible for reappointment to the same policy body for four years.

OFFICERS AND STAFF

OFFICERS AND STAFF

A. OFFICERS

Each year, every advisory body will select from its membership a chairperson and a vice chairperson who serve at the pleasure of the advisory body. The term is for one year. It is the chairperson's duty to preside over meetings and to present such reports as are required or requested by the Council, and to act as the formal representative in communications with the Council. The vice chairperson acts in this capacity when the chairperson is not available.

B. STAFF

The services of the city staff assigned to the advisory body are coordinated by the City Administrator. The City Administrator shall provide a secretary for the recording of the minutes of each advisory body who shall keep a record of its proceedings and transactions.

C. RECORDS

The agenda, meeting reports, minutes, audio or video and other official records of an advisory body are public records. Agendas, minutes and notices of adjournment or special meetings must be posted as required by the Ralph M. Brown Act and Gilroy Open Government Ordinance.

D. EXPENSES

Necessary meeting space and equipment will be made available to the advisory body. If a budget is provided, the advisory body is required to operate within budgetary limitations, with all expenditures requiring prior approval by the advisory body. Mileage and personal expenditures associated with attendance at approved conferences, hearings and other meetings will be reimbursed according to city policy. In all instances, the purchasing procedures of the City apply.

PREPARATION FOR MEETINGS

PREPARATION FOR MEETINGS

A. PREPARATION

Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials *before* the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your consistent attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.

B. ACTION

Understand what action you are being called upon to take for each particular agenda item. Your agenda will clearly identify the recommendation the policy body is being asked to make.

C. AGENDA QUESTIONS

If you have questions about the agenda or agenda report, contact your staff liaison before the meeting to clarify questions or request further information.

D. LIMITS OF AUTHORITY

Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body you will be asked to provide recommendations to the City Council about specific issues through your policy body as a whole. Keep in mind that your appointment does not empower you to supervise or direct City staff.

E. OBJECTIVITY

Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue, and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position. You will need to ensure you've been provided with all of the facts before taking action.

F. OPENNESS

Strive to appreciate differences in approach and point of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas: remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation,

flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.

G. CLARIFICATIONS

If you are unsure about something *before* or *during* the meeting, ask for clarification from your staff liaison to ensure your decisions are based on the facts presented. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff liaison to provide information to assist the members throughout the decision-making process.

H. CONFLICTS OF INTERESTS

Review each agenda item ahead of the meeting to determine if you may have a conflict due to property or monetary interests. Speak with your staff liaison before the meeting if you believe there is an item you must recuse from deliberating on due to conflict of interest. Staff may need to consult with the City Clerk or City Attorney. You will be required to identify the reason for recusal and must leave the dais of the body during the deliberation of the item.

I. REMOTE PARTICIPATION

If a member of the body wishes to participate in a meeting remotely, they may be offered the opportunity to participate by teleconference or other means under certain conditions. See your staff liaison well in advance to coordinate any participation from a remote location as not all circumstances will afford you the opportunity to participate remotely. The location must be freely accessible to the public at all times during the meeting and shall be identified on the agenda which will be posted at the remote location. At least a quorum of the members of the body must participate from within the City boundaries.

MEETINGS

MEETINGS

A. REGULAR MEETINGS

Advisory bodies are required to hold regular meetings open to the public as provided by the enabling ordinance or the City Charter. All such meetings are held in City Hall or another City meeting facility, and may take place from time to time elsewhere within the City limits for specific purposes. The agenda for these meetings must be publically noticed on the City website and at City hall no less than 72 hours prior to the meeting.

B. ADJOURNED MEETINGS

If the business to be considered at a regular meeting cannot be completed, the advisory body then may designate a time and date for an adjourned meeting. This must be announced to the members of the public who are present at the time of adjournment, and so recorded in the minutes. A Notice of Adjournment must be posted within 24 hours of the adjournment.

C. SPECIAL MEETINGS

A special meeting may be called by the chairperson or a majority of the members. A Special Meeting Notice must be delivered to all advisory body members, the City Clerk, and any interested parties, including news media, which have made a request for such notification. The notice must contain the time and place for such a meeting and the subject matter to be considered, and be delivered at least 24 hours prior to the meeting.

D. SUBCOMMITTEES

The advisory body may request to appoint special subcommittees of less than a majority of the advisory body to address issues within their scope who then may meet to carry out the purpose of the subcommittee. Your staff liaison can assist the body in determining the scope of proposed subcommittees. If the subcommittee has a continuing subject matter or a regularly scheduled meeting time, it may qualify as a Brown Act committee and public notice provisions will apply.

E. QUORUM

A quorum consists of a majority of the total number of members of the advisory body. A quorum is required to conduct business at any meeting whether it is a regular, adjourned, or special meeting. Certain approvals require a majority of the entire authorized membership. While it is expected that members be present at all meetings, the staff liaison should be notified 72 hours in advance if a member knows that he/she will be absent.

F. AGENDAS

Each advisory body has a staff liaison responsible for preparing an agenda in consultation with the Chair, and distributing the agenda and supporting documents in the agenda packet prior to each meeting. Future items to be heard before an advisory body should be identified by the policy body at an agendaized meeting to assure placement on the desired agenda. Each policy body may have its own agenda format, but each agenda must adhere to the Brown Act and Gilroy Open Government Ordinance.

The *Title* and *possible action* of each item on the agenda shall be descriptive and understandable to the public. The posted agenda also shall indicate when opportunity is provided for members of the public to address the advisory body. If an advisory body member or staff intends to bring up an item for discussion or action, the item must be included on the agenda. Members of advisory bodies may request that an item within the purview of the advisory body be placed on a future agenda by making such a request at a meeting of the body. Information items placed on an agenda may not be acted upon at the meeting. Any member may, however, request that the informational item be placed on a future agenda for action. Regular meeting agenda shall be posted at least 72 hours prior to any meeting in the public notice case and on the city website. A notice of adjournment shall be posted at the door of the meeting, within 24 hours of the adjournment of a meeting if a quorum is not present. Staff shall maintain a record of the agenda and notice of adjournment posting.

Only those items appearing on an agenda may be considered at each meeting. However, in cases of extreme emergency unanimous consent of all members present may allow other matters to be introduced and action taken, if urgency exists and delay would be harmful to the public interest.

G. MINUTES

Minutes are taken at each meeting to provide a record of when and where the meeting took place, who was present, the type of meeting and what was considered, decided and agreed upon. Summary minutes will reflect action taken and any input the body was given to enable it to make its decisions. Emphasis is given on the body's thought process, not individual members' thought processes. The minutes will summarize only the main points which arose in discussion if, and only if, they are relevant to the decision. The minutes are submitted to the body for approval and are posted on the City website for public access no less than 10 business days following the meeting. While other avenues exist for communication of interest or opinion, the minutes of the advisory body remain the official document of record.

H. PROCEDURE

Each advisory body may adopt such rules and procedures as it feels necessary to accomplish its duties. Such rules are subject to Council approval before becoming effective. In the absence of such rules, the guidelines on parliamentary procedure contained in Roberts' Rules of Order may be followed.

I. WORK PLAN

A work plan is the advisory body's plan and statement of goals within the purview of the advisory body for the year, prepared in coordination with staff. It should reflect the goals, priorities and policies of the City Council. It identifies important problems, challenges, and opportunities, offers a jointly developed plan to address these over the course of the year, and furthers a sense of shared purpose and responsibility among advisory body members. An adopted and published work plan will:

- Establish viable short-range objectives that further the long-range goals of the advisory body
- Provide group direction, and keep the advisory body on course
- Provide a basis for measuring accomplishment
- Assist in the allocation of time, energy, and resources
- Promote continuity of action, and help keep the big picture focused

For example, a work program may include community outreach activity, a plan for addressing critical community issues, an education component, or any other tasks the advisory body identifies as key work challenges for the upcoming year.

MEETING MANAGEMENT

MEETING MANAGEMENT

The City of Gilroy is committed to conducting efficient, effective and accessible government operations. The following material outlines techniques you can use to ensure that your advisory body meetings are efficiently run and give all residents an equal opportunity to address the issues.

A. PROCEEDINGS

1. Let the Chair run the meeting.
2. Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
3. Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience for those attending for certain items, or for better pacing of the agenda.
4. Be fair, impartial, and respectful of the public, staff, and each other. Give your full attention when others speak.
5. Remember that people may be attending a meeting for the first time, and may be unfamiliar with your procedures. In your discussion, either avoid or explain technical terms or verbal shorthand.
6. Listen to audience concerns. Don't engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy, and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriately saved for after the public testimony is closed. Recognize differences of opinion and remain neutral when listening to concerns.
7. Close the public testimony before you begin deliberations on an issue.
8. Sometimes questions can most effectively focus discussion and direct decision-making. For example,

For staff:

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?

For other advisory body members:

- What do you think about this item?
- What have you heard from the residents?

For the public (at a hearing):

- What are your concerns?
- How will this proposal affect you?
- What specific, constructive, alternatives can you recommend?

For yourself:

- What are we trying to accomplish?
- What are the long-range interests of the community?
- What guidance can be found in our foundational documents?
 - Gilroy City Code
 - Budget
 - Capital Improvement Program
 - General Plan
 - Specific Plans
 - Park Master Plans
 - Council Goals
 - Brown Act

9. Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
10. Remember that most of the actions of your advisory body will be to make recommendations. It is not simply a discussion group or debating society.
11. Endeavor to end meetings by 9:00 p.m. Short breaks may be helpful during long meetings. Late meetings can reduce the quality of the advisory body's work.
12. Meeting Types
Advisory bodies may meet in different types of meeting formats including the conventional public meeting, and study sessions. Please contact your staff liaison for a detailed explanation of these formats and when they are appropriate.

B. DECORUM AT MEETINGS

1. Limit Speakers to your established speaking time. A suggested ten minutes is recommended for a group or an applicant, and three minutes for other members of the public.
2. Discourage outward signs of agreement or disagreement from the audience such as applause or statements from the floor. Such demonstrations can intimidate those with an opposing view and unintentionally discourage open public discussion of all the issues and points of view.
3. Limit your own comments to the issues before the advisory body. Avoid the appearance of straying from the subject or "grandstanding". Do not interrupt speakers during their comments and save your qualifying questions for them until after they've finished speaking.

C. EFFECTIVE CONFLICT MANAGEMENT

Public Hearings or citizen input can sometimes be difficult to manage. Participants are sometimes highly motivated and often nervous. When there is a group of potential adversaries in one room, the possibility of conflict is high. As an advisory body member, your role is to guide opposing views to positive results, not to eliminate them.

The following suggestions may help you manage conflict and confrontation effectively:

- Anticipate differences by learning about the topic beforehand so you can concentrate on the meeting's purposes
- Set meeting rules early and make sure everyone abides by them without exception.
- Explain carefully the purpose of the Public Hearing and what action is expected at the conclusion of the hearing. Insistence on playing by the rules is your best tool for conflict management in Public Hearings.
- All persons speaking should be encouraged to clearly identify themselves, not only for the record, but also so that you may address them by name.
- Set an acceptable time limit for testimony (generally three minutes) and stick to it.
- Make decisions as promptly as possible. Many bodies get so bogged down in procedural distractions, petty details and endless searches for more information that the issue never seems to get resolved.

- Don't overreact to inflammatory comments. Most are expressions of frustration and do not require answers. Turn frustration to constructive avenues. Ask questions. Be as specific as you can. Refer to the speaker by name. Reinforce areas where you agree. Do not return insult for insult. Very often, the primary audience for your response is not the person who raised the issue.
- Avoid speaker-to-audience conversation. The purpose of a hearing is to help your advisory body arrive at a decision, not to engage in audience debate.
- If members have questions of the speaker, permit these questions following the speaker's time at the podium.
- Be careful not to prejudge the action of the advisory body. Use the hearing to gather necessary information about the proposal and individual desires concerning the proposal. Members should not express their views on the proposal until after testimony has ended.
- Once testimony has ended, each member should be invited to discuss individual views on it.
- View the Public Hearing as an example of participatory government in action at the local level. Make it your personal goal to make the Public Hearing work and ensure that everyone is fairly heard.

D. BASIS FOR YOUR DECISION

1. Advisory body decisions should be based principally on the factual information presented to you in the open public meeting process. If you collect pertinent information outside of the public process through a meeting with stake holders or site visits, you are required to share that information with your fellow advisory body members in the public meeting. This sharing of information will ensure that other advisory body members and members of the public have a better understanding of the rationale for your decision.
2. Advisory body members are free to meet or refuse to meet with residents, resident groups, developers or prospective contractors or any persons outside of the public meeting process concerning issues before the advisory body. If you meet with any individuals outside of the public meeting you are required to disclose the content of that meeting in the public meeting to again ensure that everybody is aware of the facts and have similar information up on which to base their decision.

E. MOTIONS

When a member wishes to propose an idea for the body to consider, the member must make a motion. This is the only way an idea or proposal from a

member may be presented to the body for discussion and possible action. A motion goes through the following steps:

1. The member asks to be recognized by the chair.
2. After being recognized, the member makes the motion (I move...).
3. Another member seconds the motion. No discussion should occur until the chair determines whether there is a second to the motion on the floor.
4. The chair states the motion and asks for discussion.
5. When the chair feels there has been sufficient discussion, the debate is closed (i.e., "Are you ready for the question? or "Is there any further discussion?").
6. If no one asks for permission to speak, the chair puts the question to vote through consensus or roll call vote.
7. After the vote, the chair announces the decision ("The motion is carried" or "The motion fails", as the case may be).

Phrasing a motion is often difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion (step 4), the member making the motion may rephrase or withdraw it. After an amendment, the motion as amended still must be seconded and then voted upon. It is particularly important when a motion is amended that the Chair restate the motion in order that members are clear as to what they are voting on.

In making a motion, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the chair to divide the motion. If other members do not object, the chair may proceed to treat each proposal as a distinct motion to be acted upon separately. The request to divide may also be made by motion.

F. ROLE OF CHAIR

The Chair shall preserve order and decorum at all meetings of the advisory body, announce the advisory body decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward with involving all advisory body members and allowing for adequate public participation. In the absence of the Chair the Vice chair shall act as presiding officer.

G. RESPONSIBILITIES OF CHAIR

- Ensure that the public understands the nature of the issue being discussed (for example, reason for discussion, process to be followed, opportunities for public input, timeline for decision).

- Keep discussion focused on the issue at hand.
- Solicit opinions from advisory body members. Encourage evaluation of new, tentative, or incomplete ideas. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- Protect advisory body members, staff, and the public from personal attacks.
- Provide structure for addressing complicated issues.
- For major items, delay analysis and action until the full range of alternatives is on the table.
- Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.
- Maintain order and ensure respect for all opinions.

ROLES, RESPONSIBILITIES AND RELATIONSHIPS

ADVISORY BODY ROLES, RESPONSIBILITIES AND RELATIONSHIPS

A. COUNCIL-ADVISORY BODY RELATIONSHIP

The primary purpose of all advisory bodies is to provide thoughtful advice to the City Council, the elected policy-making body of the City. The advisory body's role can include hearing public testimony on the Council's behalf, building community consensus for proposals or projects, reviewing written material, facilitating study of critical issues, guiding the implementation of new or regulating established programs, assessing the alternatives regarding issues of community concern, and ultimately forwarding recommendations to the Council for consideration. There are times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important to recognize this not as a rejection of the integrity of the recommendation, but as an inevitable part of the process of community decision-making.

Throughout this process, the form and formality of the relationship between advisory body members and Council Members will vary. Some advisory body members will have regular contact with individual Council Members, while others may serve solely in the group context. This relationship will depend on your advisory body as much as on you and the Council. For example, there are times when the Chair may address the Council formally on behalf of the advisory body, and other times when an advisory body member may meet with a Council Member individually. At all times it is important to aim for clarity and mutual respect for the different responsibilities and roles.

Members should avoid discussing the recommendations of the advisory body with individual Council Members once a vote is taken, if it is for the purpose of exerting influence. Written communications from the advisory body to the City Council in sufficient time to be placed on the agenda is the acceptable method of making recommendations to the Council. It is sometimes appropriate for the chair or duly assigned member to be prepared to address the Council, to answer questions from Council pertaining to the recommendations, and to clarify ambiguities. It must be remembered that final authority and responsibility for public policy decision rests with the City Council. The Council has appointed advisory body members as advisors to them. This underlying philosophy makes it improper for an individual advisory body member to try to persuade the Council into the acceptance of a recommendation other than that voted by the majority of the body. The role of an advisory body is to assist the Council in the formation of policy, having been created for the purpose of advising, being a guide to public opinion, and promoting specific projects in the community at large.

B. CODE OF ETHICS AND VALUES

The City Code of Ethics and Values shall be followed by appointed policy body members inside, and outside of meetings, as representatives of the City.

C. STAFF-ADVISORY BODY RELATIONSHIP

Staff is assigned by the City Administrator to assist and act in a technical advisory capacity to the advisory body. It is not expected that every staff recommendation will be followed; however, because of the staff's technical knowledge, full consideration should be given to their recommendation. Just as the advisory body is held accountable to the City Council, so is the staff to the City Administrator. After the staff makes a report or recommendation to an advisory body (which recommendation may or may not be followed), they are at liberty to make the same recommendation to the City Council through the City Administrator, even though the advisory body may have taken a different position. The staff has been employed by the manager to provide technical guidance. Staff members make objective recommendations without consideration of personal or political consequences. Failure of a staff member to provide service to the advisory body as directed by the City Administrator is basis for complaint to be brought to the attention of the City Administrator. Since staff personnel are directly responsible to the City Administrator, it is his/her responsibility alone to allocate their time and resources in the interest of the total city government.

The relationship of the advisory body and staff is an active and continuous one. Both advisory body members and staff are motivated by the shared goal of furthering the City's best interests. Yet, while the goal is shared, there are times when the approach and responsibility toward implementing the goal can be different. Because the distinctions in responsibility are not always explicit, cultivating a balanced understanding of your role is essential. The interaction need never be adversarial, but rather can promote respect for different perspectives, and appreciation for each other's strengths.

Since the city staff works for and is accountable to the City Administrator, advisory body members should not attempt to direct or decide the priority of work for departments or individual staff persons. Advisory bodies should, however, set priorities for their own agendas in order that staff may best use the time available for the advisory body. *An Advisory body's goals and work programs must be consistent with Council goals.* If an advisory body wants to work on items other than Council goals, the advisory body should seek Council concurrence first.

In contacting staff on official business, the proper channel is through the advisory body Chair to the staff member assigned to the advisory body.

C. STAFF RESPONSIBILITIES

Important staff responsibilities include:

- Being informed about the latest developments in their field.
- Providing background and expressing views to the advisory body on important issues.

- Providing administrative support, including agenda preparation and taking of minutes at meetings.
- Maintaining a professional position on all topics.
- Helping the advisory body to stay on track and focused.
- Interpreting City Council, City department, and relevant state, federal, and international actions and policies.
- Alerting advisory body members of possible detrimental actions.
- Presenting advisory body recommendations to the City Council.
- Describing precedents or operating procedures which affect the decision.

D. RELATIONS WITH OTHER BOARDS, COMMISSIONS AND COMMITTEES

In areas where there is overlap of jurisdiction between various advisory bodies, it is important that the liaison be aware of the overlap to insure proper consideration of the different viewpoints that may occur, and to minimize duplications or conflicts. Further, joint meetings with the City Council and other advisory bodies and committees may be mutually beneficial whenever two bodies are simultaneously addressing the same topic. If a joint meeting is being considered between advisory bodies, the staff liaisons will assist in logistical considerations to coordinate such a joint meeting.

E. CITY CLERK

The City Clerk plays an important role for advisory bodies. The City Clerk accepts and maintains applications, processes advisory body appointments, updates membership rosters and bylaws, informational booklets, and yearly attendance records. The City Clerk is also a resource with respect to the Brown Act, Public Records Act, the City Charter, Gilroy Open Government Ordinance, agenda and minutes processes, and meeting procedural questions. The City Clerk is the filing officer for Statements of Economic Interests, and any other required filing as identified by the City Council and the State.

F. CITY ATTORNEY

The City Attorney is a resource for understanding compliance with the Brown Act, Public Records Act, the City Charter, the Gilroy Open Government Ordinance, and agenda legality issues, meeting process questions, and conflict of interest determinations. Staff liaisons will coordinate an assistance requested of the City Attorney.

IMPOSED RESTRAINTS

IMPOSED RESTRAINTS

Certain limitations have been placed upon the powers of both the City Council and its appointed advisory bodies by both statutory and case law. In certain instances, application of these restraints may be crucial in the governmental process. In instances of doubt, the City Attorney's opinion should be sought. Staff liaisons will coordinate an assistance requested of the City Attorney.

A. CONFLICT OF INTEREST

As specified in state law, it is illegal for an advisory body member to have an interest in any contract, sale, purchase, finding or transaction in which the member is involved in an official capacity. Conflict of interest may disqualify the advisory body member and invalidate any advisory body action where such conflict exists. Any interest, whether personal, private or general that would tempt an advisory body member to act in any manner other than the best public interest should be examined and official action accordingly restricted. An interest that is common to all similarly situated persons is not disqualifying to an action.

B. PUBLIC RECORDS LAWS

The Public Records Act found in the Government Code of the State of California and the Gilroy Open Government Ordinance provides that categories of official records of the city are open to inspection to any interested party at reasonable times. Exceptions to this law are only those records specified in the Act and Gilroy Open Government ordinance, such as records relative to legal action in which the City is a party. All advisory body minutes, agenda, open session audio records and supporting meeting documents, are public records that must be disclosed.

C. THE BROWN ACT & GILROY OPEN GOVERNMENT ORDINANCE

The Ralph M. Brown Act is law which provides that no city advisory body shall hold any meeting at which action is taken other than at a duly called and regularly held meeting, notice of which is provided by agenda or by adjournment of a prior meeting. A "Meeting" takes place whenever a quorum is present and official business is considered. An agenda for each meeting must be posted at least 72 hours in advance for regular advisory body meetings, and 24 hours for special meetings. Advisory body members are permitted to socialize in a non-meeting setting but must refrain from discussing any advisory body business.

Care should be taken to make sure that if a quorum of an advisory body is gathered at a public or private place, no public business is discussed and that the gathering will not be interpreted as a meeting. If a member discusses a

matter with a majority of other members, one at a time or in small groups, outside of the public meeting, it will constitute a “Serial Meeting” and will violate the Act. Care should also be taken with regard to emails. Never select “Reply All” to an email to all advisory body members, or forward an email sent to you by one advisory body member to another advisory body member as that could constitute a quorum, and would violate the Act.

D. DISCRIMINATION AND EQUAL PROTECTION

All rules, regulations, laws, services and facilities must apply equally to all persons, and not give favor to any segment of the community. Similarly, all laws and ordinances of the city must afford equal protection to all facets of the community, unless the purpose of a city action requires special classification of the community.

E. DUE PROCESS

All governmental procedures and process must allow an affected party a right to be heard, and to present controverting fact or testimony on the question of right in the matter involved. Unfair determinations, such as bias, predetermination, refusal to hear, etc., may invalidate actions.

F. REASONABLENESS

Every action of municipal government must be reasonable, or otherwise stated, not arbitrary or capricious, or lacking in substantial evidence.

G. USE OF PUBLIC PROPERTY

Public property, equipment and facilities may not be used for private or personal purposes. Facilities, equipment and supplies are provided by the city but are limited to use in official functions only.

H. CONFLICT OF INTEREST CODE: DISCLOSURE REQUIREMENTS

Individuals serving on the Planning Commission, Building Board of Appeals, Parks and Recreation Commission, Historic Heritage Committee and the Physically Challenged Board of Appeals must file a Statement of Economic Interest with the City Clerk to disclose personal interests in investments, real property and income. This is done within 30 days of appointment date and annually thereafter. The Conflict of Interest Code has been established and adopted by the City Council pursuant to the California Fair Political Practices Act (Government Code Section 87300 et seq.). Copies of the code are available from the City Clerk.

I. USE OF CITY EMAIL

All appointed City advisory body members will be assigned a City email account to conduct all city related email communication. These communications are public records, and as such must be maintained on the city servers. All City emails are subject to the Public Records Act and you may only use your City email to conduct City business as an advisory body member. Please do not forward or reply to a City email from your personal email address. Once your term on the advisory body is over, your City email will be terminated.

As noted under the Brown Act section of this handbook, care should be taken with regard to emails. Never select "Reply All" to an email to all advisory body members or forward an email sent to you by one advisory body member to another advisory body member since that could constitute a quorum. All questions and concerns should be directed to the Chair and staff liaison.



Community Development Department

7351 Rosanna Street, Gilroy, California 95020-6197
Telephone: (408) 846-0451 Fax: (408) 846-0429
<http://www.cityofgilroy.org>

TO: Planning Commission
FROM: Sharon Goei, Community Development Director
Kraig Tambornini, Senior Planner
DATE: March 2, 2023
SUBJECT: Planning Division Staff Approvals

In conformance with Gilroy Municipal Code Sections 30.50.20(b) and 30.50.46, the following table lists all Minor Deviation approvals and all Architectural and Site approval/denial actions taken by the Planning Division since the last report was provided to the Planning Commission at its February 2, 2023 meeting.

APPROVED	PROJECT #	LOCATION	PROJECT NAME & DESCRIPTION
1/12/2023	AS 22-07	7251 Eagle Ridge Drive	Approval of a new hillside single-family residence in the RH zone district.
1/12/2023	AS 22-08	7265 Eagle Ridge Drive	Approval of a new hillside single-family residence in the RH zone district.

DENIED	PROJECT #	LOCATION	PROJECT NAME & DESCRIPTION
None			

The current status of other planning projects is available online at:
<https://www.cityofgilroy.org/298/Development-Activity-Projects>